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Human rights questions: implementation of human rights instruments

Letter dated 27 October 1999 from the Permanent Representative of Singapore to the United Nations addressed to the President of the General Assembly

I have the honour to transmit herewith a copy of my letter to Mary Robinson, the United Nations High Commissioner for Human Rights (see annex). This is a response to her message of 12 October 1999 on the issue of the death penalty.

I should highly appreciate it if you would circulate the present letter and its enclosure as a document of the General Assembly, under agenda items 107 and 116 (a).

(*Signed*) Kishore **Mahbubani**
Ambassador Extraordinary and Plenipotentiary

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Annex

Letter dated 27 October 1999 from the Permanent Representative of Singapore addressed to the United Nations High Commissioner for Human Rights

1. I refer to your statement on the death penalty, which was released on 12 October 1999. The timing of your statement is unfortunate. It appears on the eve of a major debate on the issue of the death penalty in the Third Committee. It could be used for partisan purposes during the debate. Hence, we feel obliged to make this statement for the record.

2. Singapore is one of the many countries where capital punishment is prescribed as the penalty for the most serious crimes, including the wilful taking of another human's life, drug-trafficking, kidnapping for ransom and the use of firearms when committing violent crimes.

3. Singapore takes the view that, given the nature of our society and the time in history, the use of capital punishment for the most serious offences is warranted and in accordance with the expectations of our people.

4. Singapore is at present a safe and relatively crime-free society. We have also managed to check and then minimize the use and spread of dangerous drugs. We believe that our strong laws against crime, together with effective enforcement of these laws, are the main factors in bringing this about. The effective but fair use of capital punishment plays an important role in this regard.

5. While we continue with the use of capital punishment for heinous crimes, we do not advocate that other countries do or do not do likewise. Capital punishment is used in Singapore because it is appropriate given the nature of our society, the ends we seek to achieve and the expectations of our people. Other societies may be constituted differently with different values and different expectations of the government and other national institutions. It is for each society to determine for itself whether capital punishment would be an appropriate penalty in their circumstances and at that point in time.

6. Each State and the society it encompasses is unique and must be allowed to determine its own values and aspirations and the means of achieving these. This, we suggest, must be particularly so where matters affecting the safety and security of its people are concerned.

7. The simple propositions we outlined above reflect what has always been recognized at the international plane. International instruments which apply to countries with wide divergences in cultures and values such as the International Covenant on Civil and Political Rights and the American Convention on Human Rights do not proscribe the use of the death penalty in their texts. Where this was provided for, it was placed in Optional Protocols which, by their terms, are optional. As you have noted, only 24 countries have signed the second Optional Protocol to the International Covenant on Civil and Political Rights. They did so because they consider the death penalty inappropriate for them. The overwhelming majority of the countries of the world have not ratified this Optional Protocol. We suggest this because they are of the view that it is inappropriate for them to do so, given their circumstances.

8. Singapore is unable to agree with your assertion that the use of capital punishment runs counter to internationally agreed human rights standards and practices. In fact, if we are to look at the practice of States as indicative of standards, then there are more States where capital punishment is provided for than States that have abolished this penalty. Even if we are to look at international trends, we find that in recent times, many States that have

abolished capital punishment have subsequently reinstated this penalty because of their own considerations.

9. Thus, we do not think that referring to international trends is relevant to the issue as this is a matter to be determined by each State according to its own considerations. In any event, the international trends here are, at the most, inconclusive.

10. Singapore recognizes that the death penalty is a severe penalty and cannot be remedied in the event of any mistake in its application. That is why we have used it sparingly and only for the most heinous crimes. More importantly, we do our utmost to ensure that any prosecution involving the death penalty is handled with the greatest care, that the investigations are thorough and fair, that the trial is conducted with due process, that the accused are given adequate legal representation and that only persons of the highest integrity are assigned as judges on such matters. Through all these we ensure that no person who may be innocent of the crime against him is subjected to this penalty. To date, there has been no suggestion by any person appraised of the relevant facts that any innocent person has been executed in Singapore.

11. Capital punishment has been and will continue to be used in Singapore for so long as our circumstances deem this to be appropriate. But I should stress, and stress repeatedly, that what is appropriate for us may not necessarily be appropriate for others. Singapore does not congratulate or condemn countries that choose to either retain or abolish the death penalty. We assume that the choices they made are based on factors peculiar to them and which they may apply only at a particular point in time. We respect the choices made by these countries.

12. We ask that international bodies do likewise.

(*Signed*) Kishore **Mahbubani**
Ambassador Extraordinary and Plenipotentiary